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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,502	01/04/2002	Robert L. Noonan	COMP:0223 POO-3552	6280

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Intellectual Property Administration
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EXAMINER	
SORRELL, ERON J	
ART UNIT	**PAPER NUMBER**
2182	

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/037,502	NOONAN ET AL.	
	Examiner	Art Unit	
	Eron J. Sorrell	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,6-10,14-18, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Clark et al. (U.S. Patent No. 6,233,634).

3. Referring to claims 1 and 21, Clark teaches a remote management controller (fig. 1 server controller 26) that snoops data from a communication bus (expansion bus col. 8 lines 36-55) comprising: a FIFO (fig. 5 local frame buffer 48) that is adapted to store data snooped from the communication bus (col. 9 lines 46-5); and an embedded bus master (detection logic 30) that is operatively connected to the communication bus, the embedded bus master being adapted to take control of the communication bus responsive to a signal that the FIFO has

become filled to a predetermined level to prevent the FWO from being overflowed with snooped data while snooped data stored in the FIFO continues to be processed (col. 9 line 44 to col. 11 line 18).

4. Referring to claim 9, Clark teaches a managed server (fig. 1 server 10), comprising:

a video controller (video controller 20) that is operatively connected to a communication bus (expansion bus); and

a remote server management controller (server controller 26) that is connected to the communication bus and adapted to snoop data that is intended for the video controller from the communication bus (col. 8 lines 36-55), the remote server management controller comprising:

a FIFO (fig. 5 local frame buffer 48) that is adapted to store data snooped from the communication bus (col. 9 lines 46-50), and an embedded bus master (detection logic 30) that is operatively connected to the communication bus, the embedded bus master being adapted to take control of the communication bus responsive to a signal that the FIFO has become filled to a predetermined level to prevent the FIFO from being overflowed with snooped data while snooped data stored in the FIFO continues to be processed (col. 9 line 44 to col. 11 line 18).

5. Referring to claims 2,10, and 22 Clark teaches a passive throttling register that stores a value (col. 7 lines 37-48); and wherein the embedded bus master takes control of the communication bus by reading the value and preventing communication on the communication bus for a time period that corresponds to the value (col. 9 line 44 to col. 11 linel8).

6. Referring to claims 6 and 14, Clark teaches the value is stored in the passive throttling register when the remote server management controller is initialized (col. 10 lines 27-43).

7. Referring to claims 7 and 15, Clark teaches the value is updated periodically (col. 22 line 46 to col. 23 line 14).

8. Referring to claim 8 and 16, Clark teaches the value is proportional to a volume of traffic on the communication bus (col. 22 line 63 to col. 23 line 14).

9. Referring to claim 17, Clark teaches a method of passively throttling a communication bus (fig. 4 EISA bus), comprising the acts of:

snooping a communication bus (col. 8 lines 36-55);

storing data snooped from the communication bus in a storage device (col. 9 lines 46-50);

determining if the storage device is filled to a predetermined level (col. 9 line 44 to col. 11 line 18);

preventing further transfers of data on the communication bus responsive to the act of determining of the storage device is filled to a predetermined level (col. 9 line 44 to col. 11 line 18).

10. Referring to claim 18, Clark teaches the method of claim 17, further comprising the acts of: storing a value in a register (col. 7 lines 37-48); reading the value (col. 9 lines 27-43); and wherein the act of preventing further transfers of the specific type of data is performed for a time period that corresponds to the value (col. 9 line 44 to col. 11 line 18).

11. Referring to claim 20, Clark teaches the method of claim 17, wherein the recited acts are performed in the recited order (col. 8 lines 1-26).

12. Referring to claim 22, Clark teaches the server is configured to process snooped data stored in the queue while the bus master is throttling data (see lines 18-51 of column 24).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 3-5,11-13,19,23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Brown (U.S. Patent No. 6,728,808).

15. As to claims 3,4,11,12,23 and 24 Clark fails to explicitly teach a PCI bus and a number of PCI clock cycles. Brown, however, teaches the communication bus is the PCI bus and the values are the number of PCI clock cycles (col. 7 lines 24-34). It would have been obvious to a person of ordinary skill in the art to have the PCI bus in order to provide a high speed and low latency bus architecture (col. 1 lines 57-59).

16. As to claims 5,13, and 19, Clark teaches the embedded bus master is adapted to take control of the communication bus by

initiating an EISA read transaction on the passive throttling register (col. 9 line 44 to 01. 1 1 linel8). Clark fails to explicitly teach a PCI bus. Brown, however, teaches the PCI bus (col. 7 lines 24-34). It would have been obvious to a person of ordinary skill in the art to have the PCI bus in order to provide a high speed and low latency bus architecture (col. 1 lines 57-59).

Response to Arguments

17. Applicant's arguments filed 9/21/05 have been fully considered but they are not persuasive. The applicant argues:

1) The detection logic is not configured to take ownership over a bus thus Clark fails to anticipated claims 1,9, and 17 (see second full paragraph of page 10 of applicant's remarks).

2) Since the detection logic does not take control over a bus, Clark cannot teach "preventing a FIFO from overflowing" or preventing further transfers on the communication bus," (see first full paragraph of page 11 of applicant's remarks).

As per argument 1, the Examiner disagrees. Clark teaches the detection logic comprises control logic 40 (see figure 4). At lines 47-50 of column 23), Clark teaches "***Control logic must***

ensure that it will be able to obtain ownership of the controller bus... (emphasis added)." This citation teaches the detection logic is configured to take control over a bus.

As per argument 2, the Examiner disagrees. Clark teaches the detection logic is configured to take control over a bus as shown, supra. Clark also teaches "preventing a FIFO from overflowing" or preventing further transfers on the communication bus." At lines 10-17 of column 24, Clark teaches "The EXRDY signal being driven low indicates to the master of the expansion bus which is currently performing the write cycle that ***the recipient of the write cycle is not ready to receive data*** (emphasis added)." Thus Clark teaches the preventing FIFO overflow and preventing transfers on the communication bus.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J. Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJS
December 7, 2005

KIM HUYNH
PRIMARY EXAMINER
12/7/05